

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER ALLEN, et al.,

Plaintiffs,

-against-

CARL KOENIGSMANN, MD, et al.,

Defendants.

No. 19-CV-8173 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

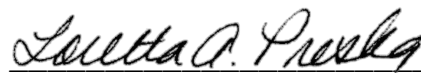
Before the Court is Defendants Carl Koenigsmann, John Morley, Susan Mueller, David Dinello, John Hammer, and Kristin Salotti's (together, the "State Represented Defendants") motion to include Quality Assurance and Quality Improvement meeting minutes under the definition of "Confidential Materials" as defined in the Stipulation of Confidentiality and Protective Order so-ordered on August 12, 2021 (the "Protective Order"). (See dkt. nos. 283, 326.) Plaintiffs oppose the motion. (See dkt. no. 329.) For the reasons set forth below, the State Represented Defendants' motion is DENIED.

First, the Court has already found that the State Represented Defendants waived any privilege applicable to such documents. (See dkt. 298.) Second, in claiming that the "quality improvement committee meetings are a common and established system for improvement of medical care, and serve a significant private and public interest that should be

confidential," the State Represented Defendants do not even attempt to make the showing required in the Protective Order for designating materials "Confidential," i.e., stating that the State Represented Defendants or DOCCS' records contain "information that is confidential under state or federal law" or that would "compromise the safety or security of a DOCCS facility if disclosed to an inmate in the custody of DOCCS and/or the general public." (Dkt. 326 at 4; 283 at ¶¶ 5(a)-(j).) Accordingly, the State Represented Defendants' motion (dkt. no. 326) is DENIED. The Clerk of the Court shall close the open motion.

SO ORDERED.

Dated: December 13, 2021
New York, New York



LORETTA A. PRESKA
Senior United States District Judge